



**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE DIVISION
OFFICE OF REMEDIATION PROGRAMS**

BROWNFIELDS ASSESSMENT PROGRAM / APPLICATION TO PARTICIPATE

APPLICATION INSTRUCTIONS

INTRODUCTION

On January 11, 2002, the President signed into law the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law). This Act authorized funds for State Response Programs to address the assessment, cleanup and redevelopment of brownfields sites under Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Virginia Brownfields Assessment Program (VBAP) is funded under this Act to conduct assessments at the request of a person that is or may be affected by a release or threaten release of a hazardous substance, pollutant, or contaminant or petroleum at a brownfields site located in the community in which the person works or resides. This application package, containing an application form and instructions, provides the necessary guidance for application to the VBAP.

APPLICATION AND INFORMATION SUBMITTED

The completed application and information submitted with the application will be used by DEQ for determining acceptability for participation in the VBAP. Please be sure to include a map with the application that clearly depicts the property boundaries.

WHERE TO SEND APPLICATION

Send completed application and supporting information to:

Jerry Grimes
Brownfields Assessment Program
Office of Remediation Programs
Virginia Department of Environmental Quality
P.O. Box 10009
Richmond, Virginia 23240

APPLICATION FORM INSTRUCTIONS

Please type or print clearly. Although not required, it is recommended that the application form be used to assure that all necessary information is submitted to DEQ. Please be sure to include information requested in Section IV (Potential Jurisdiction Discussion) as an attachment to the forms provided herein. This application is available electronically at the DEQ web site at www.deq.state.va.us/brownfieldweb

APPLICATION INSTRUCTIONS

SECTION I

SITE INFORMATION

Site Name	Provide a name for the property. The name could be an owner's name, current or historical operations, or the general location of the property (i.e., ABC Furniture)
Site Address	Provide a street address. Also include the legal description for the property and a tax lot number, if one exists, which identifies the property. A tax lot number may be obtained from the city or county tax appraiser's office. Include a near vicinity map that clearly depicts the property boundaries and surrounding property useage. "Site" means any property or portion thereof, as agreed to and defined by the participant and the department, which contains or may contain contaminants that is being proposed to be addressed under this program. Please identify the "site" being proposed.
Historical Use	Provide a complete and specific description of the historical use of the property, <u>including past owners and/or operators</u>
Current Use	Describe current activities at the property including current zoning.
Future Use	If known, describe the intended future use of the property.
Surrounding Land Use	Describe the land use in the area surrounding and immediately adjacent to the property. Please identify the present zoning classification of surrounding properties.

SECTION II

CONTACT INFORMATION

Applicant Name	Provide the name of the person(s) requesting participation in the VBAP.
Title/Organization	If the applicant is representing an organization, trust, company, or another individual, indicate the name of the organization and the applicant's title as representative.
Contact Information	Provide the applicant's mailing address and direct telephone number; include a fax number if available.
Owner Information	If the applicant is not the owner of the property, identify the owner and provide the requested information.

Note: If the applicant is not the owner of the property described in Section I, documentation is required with the application verifying that the applicant has access to or control of the property and is the authorized agent of the owner. Documentation should include a written confirmation from the owner that the applicant has access for purposes of conducting VBAP activities. Such documentation, if applicable, should be attached

SECTION III

NATURE OF POTENTIAL CONTAMINATION

Chemical Products	Check all boxes that indicate the general categories of chemical products and/or waste handled, stored, or disposed of on the property. Check all boxes applicable to the property regardless of whether or not a category of chemical is considered a potential source of contamination. Check the "Other" box and list any other chemical products or wastes for which descriptors are not provided.
Source of Contaminants	Check the appropriate boxes to indicate the known or suspected sources for the contamination at the property.
Area(s) of Concern	Provide a brief description of the environmental impacts at the property. The description should provide a clear basis for why the subject property or a description of environmental impacts to the property.
Listing of Contaminant Compounds	If known (from analysis of samples), provide a listing of contaminants detected at the property with the maximum concentration detected and identify the media in which each contaminant was detected. Attach additional sheets for the listing if necessary, or, as requested below, reference and include laboratory reports for sampling conducted at the property.
Investigative Work	Check the appropriate boxes to indicate if any environmental investigation has been conducted at the property. If some investigation has been done, check the boxes indicating the level of investigation conducted to date.

IMPORTANT – The application package should summarize the results of any Phase I or Phase II Investigations including maps and data. Copies of investigative reports, and assessments can be included, but should not be submitted in lieu of this requested form.

SECTION IV**POTENTIAL JURISDICTION DISCUSSION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions. It is permissible to reference specific sections of existing site reports however, it is requested that that information be summarized. It is important that essential information, such as type, amounts of materials, and the date of release/disposal be discussed. The outline below is provided to help the applicant determine the appropriate information so that DEQ can expeditiously provide a VBAP Acceptability Determination.

Nature of Release	Describe the environmental condition of the site proposed for participation in the VBAP. The description must include at a minimum all information of which the applicant is aware concerning the nature and extent of any known contamination at the site and/or immediately contiguous to the site. The description must include pertinent information such as type of material released/disposed, dates of release(s), location of release(s), extent of offsite impacts.
CERCLA Investigation	Describe any investigations that have been conducted relative to the property under the auspices of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), also referred to as Superfund.
CERCLA / NPL Listing	Has the site or any portion of the property ever been listed or proposed for listing on the National Priorities List (NPL) established under CERCLA? If so, please describe.
Petroleum or oil releases	Is the release(s) involved currently being regulated or has been regulated under Article 9 (Va. Code §§ 62.1 - 44.34.8 <i>et seq.</i>) or Article 11 (Va.Code §§ 62.1-44.34:14 <i>et seq.</i>) of the Virginia State Water Control Law? If so, please describe.
RCRA	Discuss if the site has, should have had, or has ever had a Resource Conservation and Recovery Act (RCRA) Permit or RCRA Interim Status in accordance with the Virginia Hazardous Waste Management Regulations (9 VAC 20-60-10 <i>et seq.</i>). If there was a permit, please provide: 1) type of permit, such as a permit for treatment, storage, and/or disposal (active or post closure); 2) EPA Identification Number; 3) the date the permit was issued; and 4) the expiration date of the permit.
Present or Past Permits	Please identify any environmental permits issued by the VDEQ or USEPA (air, water, waste) pertaining to the site.
Enforcement Action	Discuss if remediation of the subject release is currently subject to or was subject of an enforcement action pursuant to city, county, state, or federal environmental laws. Enforcement actions are generally interpreted as orders or civil lawsuits issued by governmental entities to conduct regulated activities at a property or facility. They include environmental orders or agreements (e.g., Consent Order / Agreement, Interim Agreement, Letter Agreement, etc.) with a city, county, state, or federal agency.
Open Dump	Discuss if the property has ever been or should be classified as an Open Dump pursuant to Part IV (9 VAC 20-80-170 <i>et seq.</i>) of the Virginia Solid Waste Management Regulations (9 VAC 20-80-10 <i>et seq.</i>) (i.e., any site on which solid waste is placed, discharged, deposited, injected, dumped, or spilled as to create a nuisance or present a potential hazard to human health or the environment.)
Waste Generator	Discuss if there are any past or current activities conducted at the property that require classification as an EPA or Virginia Hazardous Waste Generator. If a facility or operation on the property was or is classified as a hazardous waste generator, specify the applicable identification number where indicated.
Immediate Risk	Please respond by indicating, to the best of your knowledge, if contamination at the property poses an immediate risk of harm to human health and the environment.
Potential Impact to Drinking	Indicate if contamination at the property has the potential to impact, or has already impacted, public or private drinking water wells or surface water supplies, such as supply intakes or streams or lakes.

SECTION V**BROWNFIELDS DETERMINATION**

The site must meet the definition of a brownfields as defined in CERCLA Section 101 (39). A copy of that section is provided as Attachment 1. If a Site-By-Site Determination is needed, please provide information on how the assessment will help protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

The Brownfields Law created liability relief for innocent owners and perspective owners of contaminated sites. Liability relief is provided for Contiguous Property Owners, Prospective Purchasers and Innocent Landowners. The definitions to determine, if those provision apply are given in CERCLA Section 101.



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SECTION I

SITE INFORMATION

Site Name _____
Street Address* _____
City and/or County _____ Zip Code _____
Legal Description (Please include a map that clearly depicts the property boundaries including the " site to be addressed.) _____

Briefly describe the historical use of the site with corresponding years of production.

Attach additional sheets if necessary

Current Use of the site _____
Future Use of the site _____
Land Use of Surrounding Property _____

SECTION II

CONTACT INFORMATION

Applicant Name (Name of party participating in the Program) _____
Title _____
Organization _____
Mailing Address _____
City _____ State _____ Zip Code _____
Telephone _____ Fax _____
Please Indicate Applicant's interest in the Site (owner, operator, contract purchaser, etc.) _____

Owner's Name (Legal owner of Property) _____
Title _____
Organization _____
Mailing Address _____
City _____ State _____ Zip Code _____
Telephone _____ Fax _____

Note: If the applicant is not the owner of the property described in Section I, documentation is required with the application verifying that the applicant has access to or control of the property and is the authorized agent of the owner. Documentation should include a written confirmation from the owner that the applicant has access for purposes of conducting VBAP activities. Such documentation, if applicable, should be attached

* If the site has multiple addresses, please include all.

SECTION III**NATURE OF POTENTIAL CONTAMINATION**

Chemical products / wastes present, used, or stored at the property include

- | | |
|--|--|
| <input type="checkbox"/> Solvents / degreasers | <input type="checkbox"/> Pesticides (herbicides, insecticides, etc.) |
| <input type="checkbox"/> Petroleum products | <input type="checkbox"/> Inorganics (salt, soda ash, etc.) |
| <input type="checkbox"/> Acids / bases | <input type="checkbox"/> Metals |
| <input type="checkbox"/> Paint / paint wastes | <input type="checkbox"/> Other _____ |

Known or suspected sources of contaminants:

- | | | |
|--|---|--|
| <input type="checkbox"/> Surface spill or discharge | <input type="checkbox"/> Underground tank / piping | <input type="checkbox"/> Lagoons or ponds |
| <input type="checkbox"/> Dumping or burial of waste | <input type="checkbox"/> Above ground tank / piping | <input type="checkbox"/> Seepage pit or dry well |
| <input type="checkbox"/> Septic tank / lateral field | <input type="checkbox"/> Pipeline release | <input type="checkbox"/> Source not known |
| <input type="checkbox"/> Drums or storage containers | <input type="checkbox"/> Adjacent property | <input type="checkbox"/> Other _____ |

Briefly describe the potential Areas of Concern on the property: _____

Attach additional sheets if necessary

List the contaminants, maximum concentrations (if known), and media impacted (if known):

<u>Contaminants</u>	<u>Maximum Concentration (State or circle units)</u>	<u>Media</u>
_____	(ppb/ppm) _____	_____
_____	ppb/ppm) _____	_____
_____	(ppb/ppm) _____	_____
_____	(ppb/ppm) _____	_____
_____	(ppb/ppm) _____	_____

Attach additional sheets if necessary

Investigative work conducted at the property:

Has investigative work been conducted at the property? ☐ Yes ☐ No

Has an environmental audit been conducted? Phase I ☐ Yes ☐ No

Phase II ☐ Yes ☐ No

Have other investigations / sampling been conducted? ☐ Yes ☐ No

Are water wells or monitoring wells located on the property? ☐ Yes ☐ No

Who conducted the investigation? _____

SECTION IV**POTENTIAL JURISDICTION DISCUSSION**

Has a discussion of potential regulatory jurisdiction been included as an attachment to this application? (see instructions)

☐ Yes

☐ No. Explain _____

SECTION V**BROWNFIELDS DETERMINATION**

Does the property meet the definition of a "Brownfields" as defined in CERCLA Section 101 (39) [see Attachment 1].

☐ Yes

☐ No

☐ Maybe. Explain _____

Does the Owner of the property meet the definition of a:

- ☐ Contiguous Property Owner
☐ Bona fide Prospective Purchaser or
☐ Innocent Land Owner

SECTION VI**CERTIFICATION**

I hereby certify that to best of my knowledge, the information as set forth in this application and supporting attachment is true and accurate.

Applicant's Name: _____ Title: _____

Signature: _____ Date: _____

I hereby certify that to best of my knowledge, the information as set forth in this application and supporting attachment is true and accurate.

Owner's Name: _____ Title: _____

Signature: _____ Date: _____